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HOUSE . . . . . No. 4954

House bill No. 4930, as changed by the committee on Bills in the Third Reading, and as amended and passed to be engrossed, by the House. June 29, 2022.

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Second General Court
(2021-2022)

An Act expanding protections for reproductive rights.

Whereas, the deferred operation of this act would tend to defeat its purpose, which is to expand protections for reproductive rights, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Section 1 of chapter 9A of the General Laws, as appearing in the 2020 Official Edition, is hereby amended by inserting after the definition of "Application assistant" the following 3 definitions:-

"Gender-affirming health care services", all supplies, care and services of a medical, behavioral health, mental health, surgical, psychiatric, therapeutic, diagnostic, preventative, rehabilitative or supportive nature relating to the treatment of gender dysphoria.

"Legally-protected health care activity", (i) the exercise and enjoyment, or attempted exercise and enjoyment, by any person of rights to reproductive health care services or gender-affirming health care services secured by the constitution or laws of the commonwealth; or (ii) any act or omission undertaken to aid or encourage, or attempt to aid or encourage, any person in the exercise and enjoyment, or attempted exercise and enjoyment, of rights to reproductive

health care services or gender-affirming health care services secured by the constitution or laws of the commonwealth, or to provide insurance coverage for such services; provided, however, that the provision of such a health care service by a person duly licensed under the laws of the commonwealth and physically present in the commonwealth, and the provision of insurance coverage for such services, shall be legally protected if the service is permitted under the laws of the commonwealth, regardless of the patient's location.

"Reproductive health care services", all supplies, care and services of a medical, behavioral health, mental health, surgical, psychiatric, therapeutic, diagnostic, preventative, rehabilitative or supportive nature relating to pregnancy, contraception, assisted reproduction, miscarriage management or the termination of a pregnancy.

SECTION 2. Section 2 of said chapter 9A of the General Laws, as so appearing, is hereby amended by striking out subsection (1) and inserting in place thereof the following subsection:-

(1)(a) Upon recommendation of an application assistant, an adult person, a parent or guardian acting on behalf of a minor, or a guardian acting on behalf of an incapacitated person may apply to the secretary to have an address designated by the secretary serve as the person's address or the address of the minor or incapacitated person; or

(b) Individuals engaged in the provision, facilitation or promotion of legally-protected health care activity may apply to the secretary to have an address designated by the secretary serve as the health care professional's address; provided, that in such cases, no recommendation of an application assistant shall be required.

SECTION 3. Said chapter 9A of the General Laws is hereby further amended by striking out section 7 and inserting in place thereof the following section:-

Section 7. The secretary shall promulgate regulations to implement this chapter and in doing so shall consult with the secretary of health and human services and Jane Doe Inc.: The Massachusetts Coalition Against Sexual Assault and Domestic Violence, GLBTQ Legal Advocates & Defenders, Inc., Planned Parenthood League of Massachusetts, Inc. and Reproductive Equity Now, Inc.

SECTION 4. Chapter 12 of the General Laws is hereby amended by inserting after section 11I the following 2 sections:-

Section 11I½. (a) As used in this section, the following words shall, unless the context clearly requires otherwise, have the following meanings:

"Gender-affirming health care services", all supplies, care and services of a medical, behavioral health, mental health, surgical, psychiatric, therapeutic, diagnostic, preventative, rehabilitative or supportive nature relating to the treatment of gender dysphoria.

"Abusive litigation", litigation or other action to deter, prevent, sanction or punish any person engaging in legally-protected health care activity that is: (i) filed or prosecuted in any state other than the commonwealth where liability, in whole or part, directly or indirectly, is based on legally-protected health care activity that occurred in the commonwealth, including any action in which liability is based on any theory of vicarious, joint or several liability derived therefrom; or (ii) an attempt to enforce any order or judgment issued in connection with any such action by any party to the action or any person acting on behalf of a party to the action; provided, however, that a lawsuit shall be considered to be based on conduct that occurred in the commonwealth if any part of any act or omission involved in the course of conduct that forms the basis for liability in the lawsuit occurs or is initiated in the commonwealth, whether or not such act or omission is alleged or included in any pleading or other filing in the lawsuit.

"Legally-protected health care activity", (i) the exercise and enjoyment, or attempted exercise and enjoyment, by any person of rights to reproductive health care services or gender-affirming health care services secured by the constitution or laws of the commonwealth; or (ii) any act or omission undertaken to aid or encourage, or attempt to aid or encourage, any person in the exercise and enjoyment, or attempted exercise and enjoyment, of rights to reproductive health care services or gender-affirming health care services secured by the constitution or laws of the commonwealth, or to provide insurance coverage for such services; provided, however, that the provision of such a health care service by a person duly licensed under the laws of the commonwealth and physically present in the commonwealth, and the provision of insurance coverage for such services, shall be legally protected if the service is permitted under the laws of the commonwealth, regardless of the patient's location.

"Reproductive health care services", all supplies, care and services of a medical, behavioral health, mental health, surgical, psychiatric, therapeutic, diagnostic, preventative, rehabilitative or supportive nature relating to pregnancy, contraception, assisted reproduction, miscarriage management or the termination of a pregnancy.

(b) Access to reproductive health care services and gender-affirming health care services is recognized and declared to be a right secured by the constitution and laws of the commonwealth. Interference with this right, whether or not under the color of law, is against the public policy of the commonwealth.

(c) Any public act or record of a foreign jurisdiction that prohibits, criminalizes, sanctions, authorizes a person to bring a civil action against, or otherwise interferes with a person, entity or carrier that seeks, receives, causes, aids in access to, aids or abets or provides, or attempts or intends to seek, receive, cause, aid in access to, aid or abet, or provide

reproductive health care services or gender-affirming health care services, shall be an interference with the exercise and enjoyment of the rights secured by the constitution and laws of the commonwealth and shall be a violation of the public policy of the commonwealth.

(d) If a person, including any plaintiff, prosecutor, attorney or law firm, whether or not acting under color of law, interferes or attempts to interfere through abusive litigation with legally-protected health care activity, any aggrieved person, entity or carrier, including any defendant in such abusive litigation, may institute and prosecute a civil action for injunctive, monetary or other appropriate relief within 3 years after notice of the cause of action accrues.

If the court finds for the petitioner in an action authorized by this section, recovery shall be in the amount of actual damages, which shall include damages for the amount of any judgment issued in connection with any abusive litigation, and any and all other expenses, costs or reasonable attorney's fees incurred in connection with the abusive litigation.

(e) A court may exercise jurisdiction over a person in an action authorized by this section if: (i) personal jurisdiction is found under section 3 of chapter 223A; (ii) the person has commenced any action in any court in the commonwealth and, during the pendency of that action or any appeal therefrom, a summons and complaint is served on the person or the attorney appearing on the person's behalf in that action or as otherwise permitted by law; or (iii) the exercise of jurisdiction is permitted under the Constitution of the United States.

(f) This section shall not apply to a lawsuit or judgment entered in another state that is based on conduct for which a cause of action exists under the laws of the commonwealth if the course of conduct that forms the basis for liability had occurred entirely in the commonwealth, including any contract, tort, common law or statutory claims.

Section 11I¾. Notwithstanding any general or special law or common law conflict of law rule to the contrary, the laws of the commonwealth shall govern in any case or controversy heard in the commonwealth related to reproductive health care services or gender-affirming health care services, as those terms are defined in section 11I½, except as may be required by federal law.

SECTION 5. Section 17C of chapter 32A of the General Laws, as appearing in the 2020 Official Edition, is hereby amended by inserting after the word “for”, in line 3, the following words:- abortion as defined in section 12K of chapter 112, abortion-related care,.

SECTION 6. Said section 17C of said chapter 32A, as so appearing, is hereby further amended by inserting after the second paragraph the following 2 paragraphs:-

Coverage provided under this section for abortion or abortion-related care shall not be subject to any deductible, coinsurance, copayment or any other cost-sharing requirement. Coverage for abortion or abortion-related care offered under this section shall not impose unreasonable restrictions or delays in the coverage.

Benefits for an enrollee under this section shall be the same for the enrollee’s covered spouse and covered dependents.

SECTION 7. Chapter 94C of the General Laws is hereby amended by striking out section 19A, as appearing in the 2020 Official Edition, and inserting in place thereof the following section:-

Section 19A. (a) As used in this section, “emergency contraception” shall, unless the context clearly requires otherwise, mean any drug approved by the federal Food and Drug Administration as a contraceptive method for use after sexual intercourse, whether provided over-the-counter or by prescription.

(b) The department shall ensure that a statewide standing order is issued to authorize the dispensing of emergency contraception by a licensed pharmacist. The statewide standing order shall include, but not be limited to, written, standardized procedures or protocols for the dispensing of emergency contraception by a licensed pharmacist. Notwithstanding any general or special law to the contrary, the commissioner, or a physician designated by the commissioner who is registered to distribute or dispense a controlled substance in the course of professional practice pursuant to section 7, shall issue a statewide standing order that may be used by a licensed pharmacist to dispense emergency contraception under this section.

(c) Notwithstanding any general or special law to the contrary, a licensed pharmacist may dispense emergency contraception in accordance with the statewide standing order issued under subsection (b). Except for an act of gross negligence or willful misconduct, a pharmacist who, acting in good faith, dispenses emergency contraception shall not be subject to any criminal or civil liability or any professional disciplinary action by the board of registration in pharmacy related to the use or administration of emergency contraception.

(d) Before dispensing emergency contraception authorized under this section, a pharmacist may complete a training program approved by the commissioner on emergency contraception; provided, however, that the training shall include, but not be limited to, proper documentation, quality assurance and referral to additional services, including appropriate recommendation that the patient follow-up with a medical practitioner.

(e) A pharmacist dispensing emergency contraception under this section shall annually provide to the department the number of times such emergency contraception is dispensed. Reports made pursuant to this section shall not identify any individual patient, shall be

confidential and shall not be public records as defined by clause Twenty-sixth of section 7 of chapter 4 or section 10 of chapter 66.

(f) Except for an act of gross negligence or willful misconduct, the commissioner or a physician who issues the statewide standing order under subsection (b) and any medical practitioner who, acting in good faith, directly or through the standing order, prescribes or dispenses emergency contraception shall not be subject to any criminal or civil liability or any professional disciplinary action.

SECTION 8. Chapter 112 of the General Laws is hereby amended by inserting after section 5F the following section:-

Section 5F½. Notwithstanding any general or special law to the contrary, no person shall be subject to discipline by the board, including the revocation, suspension or cancellation of the certificate of registration or reprimand, censure or monetary fine, for providing or assisting in the provision of reproductive health care services or gender-affirming health care services, as those terms are defined in section 11I½ of chapter 12, or for any judgment, discipline or other sanction arising from such health care services if the services as provided would have been lawful and consistent with good medical practice if they occurred entirely in the commonwealth.

The board shall not make available for public dissemination on a physician's individual profile record of any criminal conviction or charge for a felony or serious misdemeanor, final disciplinary action by a licensing board in another state or a medical malpractice court judgment, arbitration award or settlement that resulted from providing or assisting in the provision of reproductive health care services or gender-affirming health care services or for any judgment, discipline or other sanction arising from such health care services if the services as provided would have been lawful and consistent with good medical practice if they occurred entirely in

the commonwealth. The board shall not take adverse action on an application for registration of a qualified physician based on a criminal or civil action, disciplinary action by a licensing board of another state or a medical malpractice claim in another state arising from the provision of reproductive health care services or gender-affirming health care services that, as provided, would have been lawful and consistent with good medical practice if they occurred entirely in the commonwealth.

Nothing in this section shall be construed to regulate the practice of medicine in any other state.

SECTION 9. Section 9H of said chapter 112, as appearing in the 2020 Official Edition, is hereby amended by inserting after the word "sections", in line 4, the following words:- ; provided, however, that notwithstanding any general or special law to the contrary, no person shall be subject to discipline by the board, including the revocation, suspension or cancellation of the certificate of registration or reprimand, censure or monetary fine, for providing or assisting in the provision of reproductive health care services or gender-affirming health care services, as those terms are defined in section 11I½ of chapter 12, or for any judgment, discipline or other sanction arising from such health care services if the services as provided would have been lawful and consistent with the standards of conduct for physician assistants if they occurred entirely in the commonwealth; provided further, that the board shall not take adverse action on an application for registration of a qualified physician assistant based on a criminal or civil action or disciplinary action by a licensing board of another state that arises from such health care services that, as provided, would have been lawful and consistent with the standards of conduct for physician assistants if they occurred entirely in the commonwealth.

Nothing in this section shall be construed to regulate the practice of physician assistants in any other state.

SECTION 9A. Section 12K of chapter 112 of the General Laws, as so appearing, is hereby amended by adding the following definition:-

"Severe", as determined by an individual's physician consistent with the principles of medical ethics and the regulations promulgated by the department of public health as required by section 12N.

SECTION 10. Section 12N of said chapter 112, as so appearing, is hereby amended by inserting after the word "a", in line 7, the following words:- severe or.

SECTION 11. Said section 12N of said chapter 112, as so appearing, is hereby further amended by adding the following sentence:- The department of public health shall promulgate regulations to implement this section; provided, that the department shall consult with a member of the disability community selected by the department and the Arc of Massachusetts; the Massachusetts Medical Society or a designee, Planned Parenthood League of Massachusetts or a designee; the Massachusetts Health and Hospital Association, Inc. or a designee; and an impacted individual previously forced to travel out of state for an abortion after 24 weeks.

SECTION 12. Section 32 of said chapter 112, as so appearing, is hereby amended by striking out, in lines 6 and 7, the words "one hundred and thirty-eight" and inserting in place thereof the following words:- 138; provided, however, that notwithstanding any general or special law to the contrary, no person, pharmacy or pharmacy department shall be subject to discipline by the board, including the revocation, suspension or cancellation of the certificate of registration or reprimand, censure or monetary fine, for providing or assisting, including dispensing of medication, in the provision of reproductive health care services or gender-

affirming health care services, as those terms are defined in section 11I½ of chapter 12, or for any judgment, discipline or other sanction arising from such health care services if the services as provided would have been lawful and consistent with the code of professional conduct for pharmacists if they occurred entirely in the commonwealth; provided further, that the board shall not take adverse action on an application for registration of a qualified pharmacist based on a criminal or civil action or disciplinary action by a licensing board of another state that arises from such health care services, including the dispensing of medication, that, as provided, would have been lawful and consistent with the code of professional conduct for pharmacists if they occurred entirely in the commonwealth.

Nothing in this section shall be construed to regulate the practice of pharmacists in any other state.

SECTION 13. Section 77 of said chapter 112, as so appearing, is hereby amended by adding the following paragraph:-

Notwithstanding any general or special law to the contrary, no person shall be subject to discipline by the board, including the revocation, suspension or cancellation of the certificate of registration or reprimand, censure or monetary fine, for providing or assisting in the provision of reproductive health care services or gender-affirming health care services, as those terms are defined in section 11I½ of chapter 12, or for any judgment, discipline or other sanction arising from such health care services if the services as provided would have been lawful and consistent with the standard of conduct for nurses if they occurred entirely in the commonwealth. The board shall not take adverse action on an application for registration of a qualified nurse based on a criminal or civil action or disciplinary action by a licensing board of another state that arises

from such health care services that, as provided, would have been lawful and consistent with the standard of conduct for nurses if they occurred entirely in the commonwealth.

Nothing in this section shall be construed to regulate the practice of nursing in any other state.

SECTION 14. Section 128 of said chapter 112, as so appearing, is hereby amended by inserting after the word “inclusive”, in line 4, the following words:- ; provided, however, that notwithstanding any general or special law to the contrary, no person shall be subject to discipline by the board, including the revocation, suspension or cancellation of the certificate of registration or reprimand, censure or monetary fine, for providing or assisting in the provision of reproductive health care services or gender-affirming health care services, as those terms are defined in section 11I½ of chapter 12, or for any judgment, discipline or other sanction arising from such health care services if the services as provided would have been lawful and consistent with the standard of conduct adopted by the board by regulation if they occurred entirely in the commonwealth; provided further, that the board shall not take adverse action on an application for registration of a qualified psychologist based on a criminal or civil action or disciplinary action by a licensing board of another state that arises from such health care services that, as provided, would have been lawful and consistent with the standard of conduct adopted by the board by regulation if they occurred entirely in the commonwealth.

Nothing in this section shall be construed to regulate the practice of psychology in any other state.

SECTION 15. Section 137 of said chapter 112, as so appearing, is hereby amended by inserting after the word “practice”, in line 8, the following words:- ; provided, however, that notwithstanding any general or special law to the contrary, no person shall be subject to

discipline by the board, including the revocation, suspension or cancellation of the certificate of registration or reprimand, censure or monetary fine, for providing or assisting in the provision of reproductive health care services or gender-affirming health care services, as those terms are defined in section 11I½ of chapter 12, or for any judgment, discipline or other sanction arising from such health care services if the services as provided would have been lawful and consistent with the standards of professional practice and conduct for social workers if they occurred entirely in the commonwealth; provided further, that the board shall not take adverse action on an application for registration of a qualified social worker based on a criminal or civil action or disciplinary action by a licensing board of another state that arises from such health care services that, as provided, would have been lawful and consistent with the standards of professional practice and conduct for social workers if they occurred entirely in the commonwealth.

Nothing in this section shall be construed to regulate the practice of social work in any other state.

SECTION 16. Section 10A of chapter 118E of the General Laws, as so appearing, is hereby amended by inserting after the words “coverage for”, in line 1, the following words:- abortion, as defined in section 12K of chapter 112, abortion-related care,.

SECTION 17. Said section 10A of said chapter 118E, as so appearing, is hereby further amended by adding the following 2 paragraphs:-

Coverage provided under this section shall not be subject to any deductible, coinsurance, copayment or any other cost-sharing requirement. Coverage offered under this section shall not impose unreasonable restrictions or delays in the coverage.

Benefits for an enrollee under this section shall be the same for the enrollee’s covered spouse and covered dependents.

SECTION 18. Chapter 147 of the General Laws is hereby amended by adding the following section:-

Section 63. (a) As used in this section, the following words shall have the following meanings unless the context clearly requires otherwise:

"Law enforcement agency of the commonwealth", any state, municipal, college or university police department, sheriff's department, correctional facility, prosecutorial office, court, probation office, or a program of more than 1 of any such entity, or any other non-federal entity in the commonwealth charged with the enforcement of laws or the custody of detained persons.

(b) Notwithstanding any general or special law to the contrary, and except as required by federal law, no officer or employee of a law enforcement agency of the commonwealth, while acting under color of law, shall provide information or assistance to a federal law enforcement agency or any other state's law enforcement agency or any private citizen or quasi-law enforcement agent in relation to an investigation or inquiry into services constituting legally-protected health care activity, as defined in section 11I½ of chapter 12, if such services would be lawful as provided if they occurred entirely in the commonwealth.

SECTION 19. Section 47F of chapter 175 of the General Laws, as appearing in the 2020 Official Edition, is hereby amended by inserting after the word "of", in line 20, the following words:- abortion, as defined in section 12K of chapter 112, abortion-related care,.

SECTION 20. Said section 47F of said chapter 175, as so appearing, is hereby further amended by inserting after the third paragraph the following 3 paragraphs:-

Coverage provided under this section for abortion or abortion-related care shall not be subject to any deductible, coinsurance, copayment or any other cost-sharing requirement.

Coverage offered under this section for abortion or abortion-related care shall not impose unreasonable restrictions or delays in the coverage.

Benefits for an enrollee under this section shall be the same for the enrollee's covered spouse and covered dependents.

A policy of accident and sickness insurance that is purchased by an employer that is a church or qualified church-controlled organization, as those terms are defined in subsection (j) of section 47W, shall be exempt from covering abortion or abortion-related care at the request of the employer. An employer that invokes the exemption under this section shall provide written notice to prospective enrollees prior to enrollment with the plan and such notice shall list the health care methods and services for which the employer will not provide coverage for religious reasons.

SECTION 21. Section 193U of said chapter 175, as so appearing, is hereby amended by inserting after the word "specialty", in line 14, the following words:- ; provided further, that no medical malpractice insurer shall discriminate against a provider or adjust or otherwise calculate a provider's risk classification or premium charges on the basis that: (i) the health care provider offers or provides reproductive health care services or gender-affirming health care services, as those terms are defined in section 11I½ of chapter 12; (ii) the specific services offered or provided in connection with reproductive health care services or gender-affirming health care services are unlawful in another state; (iii) another state's laws create potential or actual liability for those services; or (iv) litigation against a provider concerning reproductive health care services or gender-affirming health care services resulted in a judgment against the provider, if such health care services would be lawful and consistent with good medical practice as provided, if they occurred entirely in the commonwealth.

SECTION 22. Section 8H of chapter 176A of the General Laws, as so appearing, is hereby amended by inserting after the words “expense for”, in line 8, the following words:- abortion, as defined in section 12K of chapter 112, abortion-related care,.

SECTION 23. Said section 8H of said chapter 176A, as so appearing, is hereby further amended by striking out, in lines 9 and 10, the words “to the same extent that benefits are provided for medical conditions not related to pregnancy”.

SECTION 24. Said section 8H of said chapter 176A, as so appearing, is hereby further amended by inserting after the third paragraph the following 3 paragraphs:-

Coverage provided under this section for abortion or abortion-related care shall not be subject to any deductible, coinsurance, copayment or any other cost-sharing requirement. Coverage offered under this section for abortion or abortion-related care shall not impose unreasonable restrictions or delays in the coverage.

Benefits for an enrollee under this section shall be the same for the enrollee’s covered spouse and covered dependents.

A policy of accident and sickness insurance that is purchased by an employer that is a church or qualified church-controlled organization, as those terms are defined in subsection (j) of section 8W of this chapter, shall be exempt from covering abortion or abortion-related care at the request of the employer. An employer that invokes the exemption under this subsection shall provide written notice to prospective enrollees prior to enrollment with the plan and such notice shall list the health care methods and services for which the employer will not provide coverage for religious reasons.

SECTION 25. Section 4H of chapter 176B of the General Laws, as so appearing, is hereby amended by inserting after the words “expense for”, in lines 7 and 8, the following words:- abortion, as defined in section 12K of chapter 112, abortion-related care,.

SECTION 26. Said section 4H of said chapter 176B, as so appearing, is hereby further amended by striking out, in lines 8 to 10, inclusive, the words “to the same extent that benefits are provided for medical conditions not related to pregnancy”.

SECTION 27. Said section 4H of said chapter 176B, as so appearing, is hereby further amended by inserting after the third paragraph the following 3 paragraphs:-

Coverage provided under this section for abortion or abortion-related care shall not be subject to any deductible, coinsurance, copayment or any other cost-sharing requirement. Coverage offered under this section for abortion or abortion-related care shall not impose unreasonable restrictions or delays in the coverage.

Benefits for an enrollee under this section shall be the same for the enrollee’s covered spouse and covered dependents.

A policy of accident and sickness insurance that is purchased by an employer that is a church or qualified church-controlled organization, as those terms are defined in subsection (j) of section 4W, shall be exempt from covering abortion or abortion-related care at the request of the employer. An employer that invokes the exemption under this subsection shall provide written notice to prospective enrollees prior to enrollment with the plan and such notice shall list the health care methods and services for which the employer will not provide coverage for religious reasons.

SECTION 28. Section 4I of chapter 176G of the General Laws, as so appearing, is hereby amended by inserting after the words “coverage for”, in lines 1 and 2, the following words:- abortion, as defined in section 12K of chapter 112, abortion-related care,.

SECTION 29. Said section 4I of said chapter 176G, as so appearing, is hereby further amended by inserting after the second paragraph the following 3 paragraphs:-

Coverage provided under this section for abortion or abortion-related care shall not be subject to any deductible, coinsurance, copayment or any other cost-sharing requirement. Coverage offered under this section for abortion or abortion-related care shall not impose unreasonable restrictions or delays in the coverage.

Benefits for an enrollee under this section shall be the same for the enrollee’s covered spouse and covered dependents.

A health maintenance contract that is purchased by an employer that is a church or qualified church-controlled organization, as those terms are defined in subsection (j) of section 4O, shall be exempt from covering abortion or abortion-related care at the request of the employer. An employer that invokes the exemption under this subsection shall provide written notice to prospective enrollees prior to enrollment with the plan and such notice shall list the health care methods and services for which the employer will not provide coverage for religious reasons.

SECTION 30. Section 4A of chapter 218 of the General Laws, as so appearing, is hereby amended by inserting after the word “filing”, in line 20, the following words:- ; provided further, that, except as required by federal law, a judgment creditor shall not file a copy of any foreign judgment under this section if the judgment was issued in connection with any litigation concerning legally-protected health care activity, as defined in section 11I½ of chapter 12.

SECTION 31. Subsection (g) of said section 4A of said chapter 218, as so appearing, is hereby amended by adding the following sentence:- In any action filed to enforce a judgment issued in connection with any litigation concerning legally-protected health care activity, as defined in section 11I½ of chapter 12, the court in the commonwealth hearing the action shall not give any force or effect to any judgment issued without jurisdiction.

SECTION 32. Section 11 of chapter 223A of the General Laws, as so appearing, is hereby amended by adding the following paragraph:-

Notwithstanding any other provision of this section to the contrary and except as required by federal law, a court of this commonwealth shall not order a person who is domiciled or found within this commonwealth to give testimony or statement or produce documents or other things for use in connection with any proceeding in a tribunal outside the commonwealth concerning legally-protected health care activity, as defined in section 11I½ of chapter 12.

SECTION 33. Section 59H of chapter 231 of the General Laws, as so appearing, is hereby amended by inserting after the word “case”, in line 1, the following words:- , except a case brought pursuant to section 11I½ of chapter 12,.

SECTION 34. Section 13A of chapter 233 of the General Laws, as so appearing, is hereby amended by inserting after the word “summons”, in line 32, the following words:- , except that no justice or special justice shall issue a summons in a case, except as required by federal law, where prosecution is pending concerning legally-protected health care activity, as defined in section 11I½ of chapter 12, or where a grand jury investigation concerning legally-protected health care activity has commenced or is about to commence for a criminal violation of a law of such other state unless the acts forming the basis of the prosecution or investigation would also constitute an offense if occurring entirely in the commonwealth.

SECTION 35. Section 21A of chapter 272 of the General Laws, as so appearing, is hereby amended by striking out the fourth sentence and inserting in place thereof the following sentence:- This section shall not be construed to permit the sale or dispensing of prescription drugs or devices for the prevention of pregnancy or conception by a vending machine or similar device.

SECTION 36. Section 13 of chapter 276 of the General Laws, as so appearing, is hereby amended by striking out the first paragraph and inserting in place thereof the following 2 paragraphs:-

The governor may also surrender, on demand of the executive authority of any other state, any person in the commonwealth charged in such other state in the manner provided in section 14 with committing an act in this commonwealth, or in a third state, intentionally resulting in a crime in the state whose executive authority is making the demand, hereafter in this section and in sections 14 to 20P, inclusive, referred to as the demanding state, only when the acts for which extradition is sought would be punishable by the laws of the commonwealth if the consequences claimed to have resulted therefrom in the demanding state had taken effect in this commonwealth and the provisions of sections 11 to 20R, inclusive, not otherwise inconsistent shall apply to such cases even though the accused was not in the demanding state at the time of the commission of the crime and has not fled therefrom; provided, however, that the governor may, in the governor’s discretion, make any such surrender conditional upon agreement by the executive authority of the demanding state that the person so surrendered will be held to answer no criminal charges of any nature except those set forth in the requisition upon which such person is so surrendered, at least until such person has been given reasonable opportunity to

return to the commonwealth after the person's acquittal, if the person shall be acquitted, or after the person shall be released from confinement, if the person shall be convicted.

Except as required by federal law, the governor shall not surrender a person charged in another state as a result of engaging in legally-protected health care activity, as defined in section 11I½ of chapter 12, unless the executive authority of the demanding state shall allege in writing that the accused was physically present in the demanding state at the time of the commission of the alleged offense and that thereafter the accused fled from the demanding state.

SECTION 37. Section 14 of said chapter 276, as so appearing, is hereby amended by inserting the after word "state", in line 7, the following words:- only when the acts for which the demand for interstate rendition is sought would be punishable by the laws of the commonwealth, if the consequences claimed to have resulted therefrom in the demanding state had taken effect in this commonwealth.

SECTION 38. Section 20A of said chapter 276, as so appearing, is hereby amended by inserting after the word "thirteen", in lines 5 and 12 and 13, the following words:- , with the exception of cases for which the governor shall not surrender a person under said section 13.

SECTION 39. Section 20B of said chapter 276, as so appearing, is hereby amended by adding the following sentence:- This section shall not apply to cases arising under section 13 for which the governor shall not surrender a person.

SECTION 40. Section 20C of said chapter 276, as so appearing, is hereby amended by inserting after the word "thirteen", in line 4, the following words:- , with the exception of cases for which the governor shall not surrender a person under said section 13.

SECTION 41. Sections 5, 6, 16, 17, 19, 20, 22 to 29, inclusive, shall apply to all policies, contracts and certificates of health insurance subject to chapters 32A, 118E, 175, 176A, 176B

and 176G of the General Laws that are delivered, issued or renewed 6 months from the effective date of this act.

SECTION 42. (a) Regulations required pursuant to section 12N of chapter 112 of the General Laws, as inserted by section 11, shall not delay the implementation of said section 12N of said chapter 112, including any changes in section 10.

(b) The department of public health shall promulgate regulations required pursuant to section 12N of chapter 112 of the General Laws, as inserted by section 11, not later than January 1, 2023.

SECTION 43. The department of public health shall provide provisional guidance on section 12N of chapter 112 of the General Laws within 30 days of the effective date of this act.